

AMENDED IN SENATE APRIL 16, 2001
AMENDED IN SENATE MARCH 29, 2001

SENATE BILL

No. 732

Introduced by Senator Ortiz

February 23, 2001

An act to amend Section 17920.3 of, to add Chapter 9 (commencing with Section 17999) to Part 1.5 of Division 13 of, and to add Chapter 18 (commencing with Section 26100) to Division 20 of, the Health and Safety Code, relating to toxic mold.

LEGISLATIVE COUNSEL'S DIGEST

SB 732, as amended, Ortiz. Toxic mold.

Existing law provides the State Department of Health Services with various powers to enforce its regulations, to promulgate regulations to protect the public health, and to enjoin and abate nuisances dangerous to public health. The department is vested with the power to perform studies, evaluate existing projects, disseminate information, and provide training programs to enforce regulations related to public health.

~~This bill would enact the Toxic Mold Protection Act which would require the department to adopt specific regulations to protect the public health from toxic mold, and develop public education materials and resources to inform the public about the health effects of molds, methods of prevention, methods of identification, remediation of mold growth, and contact information to organizations or governmental entities to assist public concerns.~~

~~This bill would require that the department conduct studies, consider specific delineated criteria, and consult with professional and medical~~

~~experts in the field to arrive at permissible exposure limits to mold that will protect the public health and avert adverse health risks to a meaningful portion of the general population. This bill would also set the standards for the identification and the remediation of toxic molds.~~

~~This bill would also require the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by exposure to molds in indoor environments. The bill would provide for specific protocol to allow the public to be involved in the study to determine the public health goal. The bill would also require that the exposure limit identified by the Office of Environmental Health Hazard Assessment shall be considered the public health goal for toxic mold and would be used by the department in formulating the permissible exposure limit for toxic mold. The bill would also establish specified criteria to be used by the Office of Environmental Health Hazard Assessment when determining the public health goal.~~

~~This bill would require that the public health goal be reviewed and revised at a minimum of every 5 years and would be required to consider any and all technological or treatment techniques discovered in the interim.~~

This bill would enact the Toxic Mold Protection Act of 2001 which would require the department to consider the feasibility of adopting permissible exposure limits to molds in indoor environments.

If determined to be feasible, the department would be required to adopt specific regulations to protect the public health from toxic mold. In the process of adopting specific regulations, this bill would require that the department conduct studies, consider specific delineated criteria, and consult with professional and medical experts in the field to arrive at permissible exposure limits to mold that will protect the public health and avert adverse health risks to a subgroup that is a meaningful portion of the general population. This bill would also set the standards for the identification and the remediation of toxic molds.

This bill would require that after the adoption of permissible exposure limits to molds, the department would be required to review and revise the exposure limits at least once every 5 years and consider any new technological or treatment techniques or new scientific evidence that indicates that molds may present a different health risk than was previously determined.



The bill would provide for specific protocol to allow the public to be involved in the process to determine permissible exposure limits to mold.

This bill would also require that if the department determined that it was not feasible to adopt a permissible exposure limit, the department would be required, in consultation with specifically delineated specialists, to develop guidelines to be used by various enforcement agencies to assess the health threat posed by the presence of mold in indoor environments and determine whether the presence of mold constitutes mold infestation.

This bill would require the department to develop public education materials and resources to inform the public about the health effects of molds, methods of prevention, methods of identification and remediation of mold growth and mold infestation, and contact information to organizations or governmental entities to assist public concerns.

Under existing law, the State Department of Health Services is authorized to adopt rules and regulations related to building standards and is vested with the power to enforce all regulations to ensure that all buildings where people reside are fit for human habitation.

This bill would also add toxic mold to the list of both substandard conditions and a structural hazard to health, for buildings used for human habitation.

This bill would also require that any person who sells or rents residential real property, or sells commercial property, to provide a written disclosure, to the potential buyer or renter, disclosing the presence and location of mold-containing *or mold-infested* construction materials in the building, heating, ventilating, and air-conditioning system, or surrounding environments as well as the potential health risks that may result from exposure to mold.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17920.3 of the Health and Safety Code
- 2 is amended to read:
- 3 17920.3. Any building or portion thereof including any
- 4 dwelling unit, guestroom or suite of rooms, or the premises on
- 5 which the same is located, in which there exists any of the



1 following listed conditions to an extent that endangers the life,
2 limb, health, property, safety, or welfare of the public or the
3 occupants thereof shall be deemed and hereby is declared to be a
4 substandard building:

5 (a) Inadequate sanitation shall include, but not be limited to, the
6 following:

7 (1) Lack of, or improper water closet, lavatory, or bathtub or
8 shower in a dwelling unit.

9 (2) Lack of, or improper water closets, lavatories, and bathtubs
10 or showers per number of guests in a hotel.

11 (3) Lack of, or improper kitchen sink.

12 (4) Lack of hot and cold running water to plumbing fixtures in
13 a hotel.

14 (5) Lack of hot and cold running water to plumbing fixtures in
15 a dwelling unit.

16 (6) Lack of adequate heating.

17 (7) Lack of, or improper operation of required ventilating
18 equipment.

19 (8) Lack of minimum amounts of natural light and ventilation
20 required by this code.

21 (9) Room and space dimensions less than required by this code.

22 (10) Lack of required electrical lighting.

23 (11) Dampness of habitable rooms.

24 (12) Infestation of insects, vermin, or rodents as determined by
25 the health officer.

26 (13) General dilapidation or improper maintenance.

27 (14) Lack of connection to required sewage disposal system.

28 (15) Lack of adequate garbage and rubbish storage and
29 removal facilities as determined by the health officer.

30 (b) Structural hazards shall include, but not be limited to, the
31 following:

32 (1) Deteriorated or inadequate foundations.

33 (2) Defective or deteriorated flooring or floor supports.

34 (3) Flooring or floor supports of insufficient size to carry
35 imposed loads with safety.

36 (4) Members of walls, partitions, or other vertical supports that
37 split, lean, list, or buckle due to defective material or deterioration.

38 (5) Members of walls, partitions, or other vertical supports that
39 are of insufficient size to carry imposed loads with safety.



1 (6) Members of ceilings, roofs, ceilings and roof supports, or
2 other horizontal members which sag, split, or buckle due to
3 defective material or deterioration.

4 (7) Members of ceiling, roofs, ceiling and roof supports, or
5 other horizontal members that are of insufficient size to carry
6 imposed loads with safety.

7 (8) Fireplaces or chimneys which list, bulge, or settle due to
8 defective material or deterioration.

9 (9) Fireplaces or chimneys which are of insufficient size or
10 strength to carry imposed loads with safety.

11 (c) Any nuisance.

12 (d) All wiring, except that which conformed with all applicable
13 laws in effect at the time of installation if it is currently in good and
14 safe condition and working properly.

15 (e) All plumbing, except plumbing that conformed with all
16 applicable laws in effect at the time of installation and has been
17 maintained in good condition, or that may not have conformed
18 with all applicable laws in effect at the time of installation but is
19 currently in good and safe condition and working properly, and
20 that is free of cross connections and siphonage between fixtures.

21 (f) All mechanical equipment, including vents, except
22 equipment that conformed with all applicable laws in effect at the
23 time of installation and that has been maintained in good and safe
24 condition, or that may not have conformed with all applicable laws
25 in effect at the time of installation but is currently in good and safe
26 condition and working properly.

27 (g) Faulty weather protection, which shall include, but not be
28 limited to, the following:

29 (1) Deteriorated, crumbling, or loose plaster.

30 (2) Deteriorated or ineffective waterproofing of exterior walls,
31 roof, foundations, or floors, including broken windows or doors.

32 (3) Defective or lack of weather protection for exterior wall
33 coverings, including lack of paint, or weathering due to lack of
34 paint or other approved protective covering.

35 (4) Broken, rotted, split, or buckled exterior wall coverings or
36 roof coverings.

37 (h) Any building or portion thereof, device, apparatus,
38 equipment, combustible waste, or vegetation that, in the opinion
39 of the chief of the fire department or his or her deputy, is in such
40 a condition as to cause a fire or explosion or provide a ready fuel

1 to augment the spread and intensity of fire or explosion arising
2 from any cause.

3 (i) All materials of construction, except those which are
4 specifically allowed or approved by this code, and which have
5 been adequately maintained in good and safe condition.

6 (j) Those premises on which an accumulation of weeds,
7 vegetation, junk, dead organic matter, debris, garbage, offal,
8 rodent harborages, stagnant water, combustible materials, and
9 similar materials or conditions constitute fire, health, or safety
10 hazards.

11 (k) Any building or portion thereof that is determined to be an
12 unsafe building due to inadequate maintenance, in accordance
13 with the latest edition of the Uniform Building Code.

14 (l) All buildings or portions thereof not provided with adequate
15 exit facilities as required by this code, except those buildings or
16 portions thereof whose exit facilities conformed with all
17 applicable laws at the time of their construction and that have been
18 adequately maintained and increased in relation to any increase in
19 occupant load, alteration or addition, or any change in occupancy.

20 When an unsafe condition exists through lack of, or improper
21 location of, exits, additional exits may be required to be installed.

22 (m) All buildings or portions thereof that are not provided with
23 the fire-resistive construction or fire-extinguishing systems or
24 equipment required by this code, except those buildings or
25 portions thereof that conformed with all applicable laws at the time
26 of their construction and whose fire-resistive integrity and
27 fire-extinguishing systems or equipment have been adequately
28 maintained and improved in relation to any increase in occupant
29 load, alteration or addition, or any change in occupancy.

30 (n) All buildings or portions thereof occupied for living,
31 sleeping, cooking, or dining purposes that were not designed or
32 intended to be used for those occupancies.

33 (o) Inadequate structural resistance to horizontal forces.

34 (p) Presence of mold that exceeds the standards established by
35 the State Department of Health Services pursuant to subdivisions

36 (a) and (b) of Section ~~26102~~ 26103, *or what constitutes mold*
37 *infestation according to the department's guidelines as developed*
38 *pursuant to Section 26105*, or is determined by the health officer
39 or code enforcement officer, in consultation with scientific

experts, to be likely to result in adverse health effects likely to result in serious or permanent bodily injury.

“Substandard building” includes a building not in compliance with Section 13143.2.

However, a condition that would require displacement of sound walls or ceilings to meet height, length, or width requirements for ceilings, rooms, and dwelling units shall not by itself be considered sufficient existence of dangerous conditions making a building a substandard building, unless the building was constructed, altered, or converted in violation of those requirements in effect at the time of construction, alteration, or conversion.

SEC. 2. Chapter 9 (commencing with Section 17999) is added to Part 1.5 of Division 13 of the Health and Safety Code, to read:

CHAPTER 9. MOLD-CONTAINING MATERIALS

Article 1. Disclosures

17999. (a) (1) Any person who sells residential real property subject to Section 1102 of the Civil Code shall provide written disclosure to potential buyers, identifying the presence or location of mold-containing construction materials in the building, heating, ventilating, and air-conditioning system (HVAC), or surrounding environments, and shall disclose the potential health risks and the health impact that may result from exposure to mold.

(2) The written notice required by this subdivision shall be provided as soon as practicable before transfer of the title.

(3) The notice required by this subdivision shall include disclosure of the current presence or prior existence of molds and the disclosure shall include whether the current presence or prior existence of molds exceeds the permissible exposure limit to molds established by subdivisions (a) and (b) of Section ~~26102~~ *26103, or what constitutes mold infestation according to the department’s guidelines as developed pursuant to Section 26105.*

(b) (1) Commercial and residential landlords shall provide written disclosure to potential tenants, identifying the presence or location of mold-containing construction materials in the building, HVAC system, or surrounding environments, as well as potential health risks or health impact that may result from exposure to mold.

(2) The written notice shall be provided as soon as practicable before finalizing the rental agreement.

(3) The notice shall include disclosure of the current presence or prior existence of molds and if the current presence or prior existence of molds exceeds the permissible exposure limit to molds established by subdivisions (a) and (b) of Section ~~26102~~ 26103, *or what constitutes mold infestation according to the department's guidelines as developed pursuant to Section 26105.*

17999.3. (a) Sellers of commercial real property shall provide written disclosure to potential buyers, identifying the presence or location of mold-containing *or mold-infested* construction materials in the building, HVAC system, or surrounding environments, as well as potential health risks and health impact that may result from exposure to mold.

(b) The written notice shall be provided as soon as practicable before transfer of the title.

(c) The notice shall include disclosure of the current presence or prior existence of molds and if the current presence or prior existence of molds exceeds the permissible exposure limit to molds established by subdivisions (a) and (b) of Section ~~26102~~ 26103, *or what constitutes mold infestation according to the department's guidelines as developed pursuant to Section 26105.*

Article 2. Enforcement

17999.5. Public health officers, code enforcement officers, environmental health officers, and employees of the Department of Industrial Relations may respond to complaints about mold and responsibility to enforce standards developed by the department, pursuant to subdivisions (a) and (b) of Section ~~24602~~ 26103, *or Section 26105.*

17999.7. The Department of Consumer Affairs, in consultation with representatives from the State Department of Health Services, the Department of Industrial Relations, the Commission on Building Standards, consumers, building proprietors, code enforcement officers, public health officers, environmental health officers, medical experts in mold health effects, mold testing experts, mold remediation experts, and industrial hygienists, shall develop standards of education and

1 certification for mold testing professionals, mold remediation
2 specialists, and industrial hygienists.

3 SEC. 3. Chapter 18 (commencing with Section 26100) is
4 added to Division 20 of the Health and Safety Code, to read:

5
6 CHAPTER 18. TOXIC MOLD PROTECTION ACT OF 2001
7

8
9 Article 1. General Provisions
10

11 26100. This chapter shall be known, and may be cited, as the
12 Toxic Mold Protection Act of 2001.

13 26101. For purposes of this chapter, the following definitions
14 apply:

15 (a) “Authoritative bodies” means any recognized national or
16 international entities with expertise on public health, mold
17 identification and remediation, or environmental health,
18 including, but not limited to, other states, the United States
19 Environmental Protection Agency, the World Health
20 Organization, the American Conference of Governmental
21 Industrial Hygienists, the New York City Department of Health,
22 and the American Industrial Hygiene Association.

23 (b) “Code enforcement officer” means a local official
24 responsible for enforcing housing codes and maintaining public
25 safety in buildings using an interdepartmental approach at the local
26 government level.

27 (c) “Department” means the State Department of Health
28 Services, designated as the lead agency in ~~mold identification and~~
29 ~~remediation efforts~~ *the adoption of permissible exposure limits to*
30 *mold in indoor environments, mold identification and remediation*
31 *efforts, and the development of guidelines for the determination of*
32 *what constitutes mold infestation.*

33 (d) “Exposure limit” means the maximum permissible amount
34 of mold exposure to persons.

35 (e) “Identification” means the process of recognizing mold,
36 water damage, or microbial volatile organic compounds in indoor
37 environments.

38 (f) “Indoor environments” means both the indoor and outdoor
39 habitats in and around specified structures.

(g) “Industrial hygienist” means a professional qualified by education, training, and experience to anticipate, recognize, evaluate, and develop controls for occupational health hazards, including mold issues.

(h) “Mold” means any form of multicellular fungi that live on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, cladosporium, penicillium, alternaria, aspergillus, fusarium, trichoderma, memnoniella, mucor, and stachybotrys chartarum, often found in water damaged structures.

(i) “Mold infestation” means the presence of mold that results in adverse health effects.

~~(j)~~

(j) “Person” means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

~~(k)~~

(k) “Public health officer” means a local health officer appointed pursuant to Section 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 to carry out the drinking water program.

~~(l)~~

(l) “Remediation” means the removal of mold and rectification of the underlying cause of mold and water accumulation through cleanup, drying, or removal of water damaged materials through the abatement processes.

~~26102. (a) In implementing this chapter, the department shall do the following:~~

26102. The department, in consultation with public health officers, environmental health officers, experts on the health effects of molds, medical experts, industrial hygienists, representatives of consumers, and industry representatives, shall consider the feasibility of adopting permissible exposure limits to mold in indoor environments.

26103. (a) If the department finds that adopting permissible exposure limits to mold in indoor environments is feasible, the department, in consultation with public health officers, environmental health officers, experts on the health effects of molds, medical experts, industrial hygienists, representatives of consumers, and industry representatives, shall:

1 (1) Adopt permissible exposure limits to mold for indoor
2 environments that avoid known or anticipated adverse effects on
3 health, with an adequate margin of safety, and avoid any
4 significant risk to public health.

5 (2) Place a primary emphasis on the protection of public health
6 and, to the extent technologically and economically feasible, adopt
7 permissible exposure limits to mold to protect the public health.

8 ~~(3) Make a determination of permissible exposure limits to~~
9 ~~molds as close as feasible to the established public health goal as~~
10 ~~determined by the Office of Environmental Health Hazard~~
11 ~~Assessment.~~

12 *(3) Utilize and include the latest scientific data or existing*
13 *standards adopted by authoritative bodies.*

14 (b) The department shall consider all of the following criteria
15 when it adopts a permissible exposure limit for molds in indoor
16 environments:

17 ~~(1) The public health goal and permissible exposure limits to~~
18 ~~molds published by the Office of Environmental Health Hazard~~
19 ~~Assessment pursuant to Section 26103.~~

20 ~~(2)–~~

21 *(1)* The adverse health effects of exposure to molds, including
22 specific effects on members of subgroups that comprise a
23 meaningful portion of the general population, including but not
24 limited to, infants, children, pregnant women, the elderly,
25 asthmatics, allergic individuals, immune compromised
26 individuals, or other subgroups that are identifiable as being at
27 greater risk of adverse health effects than the general population
28 when exposed to molds.

29 ~~(3)–~~

30 (2) The standards for molds, if any, adopted by authoritative
31 bodies.

32 ~~(4)–~~

33 (3) The technological and economic feasibility of compliance
34 with the proposed permissible exposure limit for molds. For the
35 purposes of determining economic feasibility pursuant to this
36 paragraph, the department shall consider the costs of compliance
37 to tenants, landlords, homeowners, and other affected parties.

38 (c) The department shall report to the Legislature on its
39 progress in developing the permissible exposure limit for molds by
40 July 1, 2003.

~~26103. The Office of Environmental Health Hazard Assessment shall prepare and publish an assessment of the risks to public health posed by exposure to molds in indoor environments.~~

~~26104. (a) The risk assessment shall be prepared using the most current principles, practices, and methods used by public health professionals who are experienced practitioners in the fields of mold testing and examining the health effects of mold exposure.~~

~~(b) The risk assessment shall contain an estimate of the exposure limits to molds that is not anticipated to cause or contribute to adverse health effects, or that does not pose any significant risk to health. The estimated exposure limits shall be known as the public health goal for the contaminant. The public health goal shall be based exclusively on public health considerations and shall be set in accordance with all of the following:~~

~~(1) The public health goal shall be set at the exposure limit at which no known or anticipated adverse effects on health occur. The exposure limit shall contain an adequate margin of safety, according to most recent data, exposure to molds does not constitute a significant risk to health.~~

~~(2) The public health goal shall take into account the following:~~

~~(A) Environmental triggers or health conditions which increase the likelihood that individuals will experience adverse health effects when exposed to molds.~~

~~(B) Adverse health effects of exposure to molds, including specific effects on members of subgroups that comprise a meaningful portion of the general population, including, but not limited to, infants, children, pregnant women, the elderly, asthmatics, allergic individuals, immune compromised individuals, or other subgroups that are identifiable as being at greater risk of adverse health effects than the general population when exposed to molds.~~

~~(C) The relationship between exposure to molds and increased body burden and the degree to which increased body burden levels alter physiological function or structure in a manner that may significantly increase the risk of illness.~~

~~(D) The public health goal of exposure limits for mold shall be based on the most current principles, practices, and methods used by public health professionals experienced in the fields of mold testing and examining the health effects of mold exposure.~~

1 ~~26105. (a) If the Office of Environmental Health Hazard~~
2 ~~Assessment is unable to determine exposure limits to molds at~~
3 ~~which no known or anticipated adverse effects on health will occur~~
4 ~~with an adequate margin of safety, or an exposure limit that poses~~
5 ~~no significant risk to public health, the public health goal shall be~~
6 ~~set at an exposure limit that is protective of public health, with an~~
7 ~~adequate margin of safety.~~

8 ~~(b) The department may set the public health goal at zero if~~
9 ~~necessary to satisfy the requirements of this section.~~

10 ~~26106. (a) (1) The Office of Environmental Health Hazard~~
11 ~~Assessment shall, at the time it commences preparation of a risk~~
12 ~~assessment for exposure to molds as required by Section 26103,~~
13 ~~provide notice electronically by posting on its Internet website a~~
14 ~~notice that informs interested persons, including, but not limited~~
15 ~~to: representatives from the Department of Industrial Relations,~~
16 ~~the Commission on Building Standards, representatives of~~
17 ~~consumers, commercial and residential building proprietors, code~~
18 ~~enforcement officers, public health officers, environmental health~~
19 ~~officers, experts on the health effects of molds, medical experts,~~
20 ~~mold testing experts, and industrial hygienists that it has initiated~~
21 ~~work on the risk assessment.~~

22 ~~(2) The notice shall also include a brief description, or a~~
23 ~~bibliography of the technical documents or other information the~~
24 ~~office has identified to date as relevant to the preparation of the risk~~
25 ~~assessment.~~

26 ~~(3) The notice shall inform persons who wish to submit~~
27 ~~information concerning exposure to molds of the name and~~
28 ~~address of the person in the office to whom the information may~~
29 ~~be sent, the date by which the information must be received in~~
30 ~~order for the office to consider it in the preparation of the risk~~
31 ~~assessment, and that all information submitted will be made~~
32 ~~available to any member of the public who makes the request.~~

33 ~~(b) Each draft risk assessment prepared by the Office of~~
34 ~~Environmental Health Hazard Assessment pursuant to this~~
35 ~~subdivision shall be made available to the public at least 45~~
36 ~~calendar days prior to the date that public comment and discussion~~
37 ~~on the risk assessment are solicited.~~

38 ~~(c) After the Office of Environmental Health Hazard~~
39 ~~Assessment publishes the final risk assessment for exposure to~~
40 ~~molds, the office shall respond in writing to any significant~~

1 comments, data, studies, or other written information submitted to
2 the office in connection with the preparation of the risk
3 assessment. Any such comments, data, studies, or other written
4 information submitted to the office shall be made available to any
5 member of the public who makes the request.

6 26107. ~~The department shall consider the final risk~~
7 ~~assessment for exposure to molds prior to adopting permissible~~
8 ~~exposure limits to mold.~~

9 26108. ~~(a) Notwithstanding any other provision of this~~
10 ~~chapter, the permissible exposure limits to molds may be amended~~
11 ~~by the department to make the limits more stringent pursuant to~~
12 ~~this section.~~

13 ~~(b) The department may amend the permissible exposure limits~~
14 ~~to molds to make the limits less stringent if the department shows~~
15 ~~clear and convincing evidence that the permissible exposure limits~~
16 ~~to molds should be made less stringent and the amendment is made~~
17 ~~consistent with this section.~~

18 26109. ~~All public health goals for permissible exposure limits~~
19 ~~to molds published by the Office of Environmental Health Hazard~~
20 ~~Assessment shall be established in accordance with the~~
21 ~~requirements of Sections 26103 to 26105, inclusive, and shall be~~
22 ~~reviewed at least once every five years and revised, pursuant to~~
23 ~~Sections 26103 to 26105, inclusive, as necessary based upon the~~
24 ~~availability of new scientific data.~~

25 26110. ~~The department or Office of Environmental Health~~
26 ~~Hazard Assessment may review, and adopt by reference, any~~
27 ~~information prepared by, or on behalf of, the United States~~
28 ~~Environmental Protection Agency or other authoritative bodies~~
29 ~~for the purpose of adopting national permissible exposure limits~~
30 ~~to molds when the department or office establishes a California~~
31 ~~permissible exposure limits to molds or publishes a public health~~
32 ~~goal, respectively.~~

33 26111. ~~At least once every five years after adoption of~~
34 ~~permissible exposure limits to molds, the department shall review~~
35 ~~the adopted limits and shall, consistent with the criteria set forth~~
36 ~~in subdivisions (a) and (b) of Section 26102, amend the~~
37 ~~permissible exposure limits if any of the following occur:~~

38 ~~(1) Changes in technology or treatment techniques that permit~~
39 ~~a materially greater protection of public health or attainment of the~~
40 ~~public health goal.~~

~~(2) New scientific evidence that indicates that molds may present a materially different risk to public health than was previously determined.~~

26104. (a) (1) *The department shall, at the time it commences preparation of the permissible exposure limits to mold, provide notice electronically by posting on its Internet website a notice that informs interested persons, including, but not limited to, representatives from the Department of Industrial Relations, the Commission on Building Standards, representatives of consumers, commercial and residential building proprietors, code enforcement officers, public health officers, environmental health officers, experts on the health effects of molds, medical experts, mold testing experts, and industrial hygienists that the department has initiated work on the permissible exposure limits to mold.*

(2) The notice shall also include a brief description, or a bibliography of the technical documents or other information the department has identified to date as relevant to the preparation of the permissible exposure limit.

(3) The notice shall inform persons who wish to submit information concerning exposure to molds of the name and address of the person in the department to whom the information may be sent, the date by which the information must be received in order for the department to consider it in the preparation of the permissible exposure limits, and that all information submitted will be made available to any member of the public who makes the request.

(b) Each permissible exposure limit draft prepared by the department pursuant to this subdivision shall be made available to the public at least 45 calendar days prior to the date that public comment and discussion are solicited.

(c) After the department finalizes the permissible exposure limits to molds, the department shall respond in writing to any significant comments, data, studies, or other written information submitted to the office in connection with the preparation of the permissible exposure limits. Any such comments, data, studies, or other written information submitted to the department shall be made available to any member of the public who makes the request.

(d) The department may amend the permissible exposure limits to molds to make the limits less stringent if the department shows

1 *clear and convincing evidence that the permissible exposure limits*
2 *to molds should be made less stringent and the amendment is made*
3 *consistent with Section 26103.*

4 *(e) The department may review, and adopt by reference, any*
5 *information prepared by, or on behalf of the United States*
6 *Environmental Protection Agency or other authoritative bodies,*
7 *for the purpose of adopting national permissible exposure limits*
8 *to molds.*

9 *(f) At least once every five years, after adoption of permissible*
10 *exposure limits to molds, the department shall review the adopted*
11 *limits and shall, consistent with the criteria set forth in*
12 *subdivisions (a) and (b) of Section 26103, amend the permissible*
13 *exposure limits if any of the following occur:*

14 *(1) Changes in technology or treatment techniques that permit*
15 *a materially greater protection of public health.*

16 *(2) New scientific evidence that indicates that molds may*
17 *present a materially different risk to public health than was*
18 *previously determined.*

19 *26105. (a) If the department finds that adopting permissible*
20 *exposure limits to mold in indoor environments is not feasible, the*
21 *department, in consultation with public health officers,*
22 *environmental health officers, experts on health effects of molds,*
23 *medical experts, industrial hygienists, representatives of*
24 *consumers, and industry representatives, shall develop guidelines*
25 *to be used by public health professionals, code enforcement*
26 *officers, environmental health officers, and other interested*
27 *parties to assess the health threat posed by the presence of mold*
28 *in an indoor environment and determine whether the presence of*
29 *mold constitutes mold infestation.*

30 *(b) These guidelines shall be practical, seek to protect the*
31 *public from known or anticipated adverse effects on health, and be*
32 *economically and technologically feasible.*

33 *(c) These guidelines shall consider the specific health effects of*
34 *exposure to molds on members of subgroups that comprise a*
35 *meaningful portion of the general population, including, but not*
36 *limited to, infants, children, pregnant women, the elderly,*
37 *asthmatics, allergic individuals, immune, compromised*
38 *individuals, or other subgroups that are identifiable as being at*
39 *greater risk of adverse health effects than the general population*
40 *when exposed to molds.*

1 (d) *The department shall prepare these guidelines as soon as*
2 *possible and shall be completed by January 1, 2003.*

3
4 Article 2. Standards for Identification of Molds
5

6 26120. The department, shall, in consultation with
7 representatives from the Department of Industrial Relations, the
8 Commission on Building Standards, representatives of
9 consumers, commercial and residential building proprietors, code
10 enforcement officers, public health officers, environmental health
11 officers, experts on the health effects of molds, medical experts,
12 mold testing experts, and industrial hygienists, adopt mold
13 identification standards for the environmental assessment of
14 molds in indoor environments that are based on the criteria in
15 subdivision (b) of Section ~~26102~~ 26103, *or what constitutes mold*
16 *infestation according to the department's guidelines as developed*
17 *pursuant to Section 26105.*

18 26121. Identification standards shall include elements for
19 visual identification, olfactory identification, and measurements
20 of amount of moisture and presence of mold.

21 26122. (a) Permissible identification standards adopted by
22 the department shall protect public health, to the extent
23 technologically and economically feasible, by avoiding any
24 known or anticipated adverse effects on public health with an
25 adequate margin of safety, and by avoiding any significant risk to
26 public health.

27 (b) The department shall consider all of the following criteria
28 when it adopts identification standards for mold:

29 (1) Permissible exposure limits to molds developed by the
30 State Department of Health Services pursuant to subdivisions (a)
31 and (b) of Section ~~26102~~ 26103, *or what constitutes mold*
32 *infestation according to the department's guidelines as developed*
33 *pursuant to Section 26105.*

34 (2) Standards for mold identification, if any, adopted by
35 authoritative bodies.

36 (3) The latest technology and information available on
37 effective mold identification using olfactory, visual perception,
38 measurements of moisture, or the presence of mold spores, or other
39 means of effectively identifying the presence of mold.

40 (4) Professional judgment and practicality.

1 (5) The technological and economic feasibility of compliance
2 with the proposed identification standards for mold.

3 (c) The department shall develop a uniform reporting form for
4 building inspection to document the presence of mold.

5 (d) The department shall report to the Legislature on its
6 progress in developing identification standards for mold by July
7 1, 2003.

8 26123. The department shall, at the time it commences
9 preparation of identification standards for mold, develop criteria
10 to rate buildings according to the degree of hazard posed by
11 presence and condition of the mold in the buildings and
12 surrounding environments.

13 26124. (a) (1) The department shall, at the time it
14 commences preparation of identification standards for mold,
15 electronically post on its Internet website a notice that informs
16 interested persons that it has initiated work on the remediation
17 standards.

18 (2) The notice shall include a brief description, or a
19 bibliography, of the technical documents or other information the
20 department has identified to date as relevant to the preparation of
21 the identification standards for mold.

22 (3) The notice shall inform persons who wish to submit mold
23 identification information of the name and address of the person
24 in the office to whom the information may be sent, the date by
25 which the information must be received for the department to
26 consider it in the preparation of the identification standards, and
27 that all information submitted will be made available to any
28 member of the public who makes the request.

29 (b) Each draft identification standard prepared by the
30 department pursuant to this article shall be made available to the
31 public at least 45 calendar days prior to the date that public
32 comment and discussion on mold identification standards are
33 solicited.

34 (c) The department shall respond in writing to significant
35 comments, data, studies, or other written information submitted by
36 interested persons to the department related to the preparation of
37 the mold identification standards after the publication of the final
38 identification standards. Any such comments, data, studies, or
39 other written information submitted to the office shall be made
40 available to any member of the public who makes the request.

1 26125. All identification standards for mold published by the
2 department shall be reviewed at least once every five years and
3 revised, as necessary based upon the availability of new scientific
4 data or information on effective mold identification.

5
6 Article 3. Standards for Remediation
7

8 26130. The department, in consultation with representatives
9 from the Department of Industrial Relations, the Commission on
10 Building Standards, representatives of consumers, commercial
11 and residential building proprietors, code enforcement officers,
12 public health officers, environmental health officers, experts on
13 the health effects of molds, medical experts, mold remediation
14 experts, and industrial hygienists, shall adopt remediation
15 standards for molds in indoor environments that are based on the
16 criteria set forth in subdivisions (a) and (b) of Section ~~26102~~
17 *26103, or what constitutes mold infestation according to the*
18 *department's guidelines as developed pursuant to Section 26105.*

19 26131. (a) Remediation standards for mold adopted by the
20 department shall place primary emphasis on the protection of
21 public health.

22 (b) Remediation standards for mold to the extent
23 technologically and economically feasible, shall meet all of the
24 following:

25 (1) Maximize the protection of individuals from adverse health
26 effects.

27 (2) Remove or clean contaminated materials in a manner that
28 prevents the emission of mold spores and dust, contaminated with
29 mold, from leaving a work area, and entering an occupied or
30 nonabatement area, and protecting the health of workers
31 performing the abatement.

32 (3) Avoid any known or anticipated adverse effects on public
33 health with an adequate margin of safety.

34 (4) Avoid any significant risk to public health.

35 (5) Include criteria for personal protective equipment.

36 (6) Require communication of hazard to building occupants.

37 26132. (a) The department shall consider all of the following
38 criteria when it adopts a remediation standard for mold:

39 (1) Permissible exposure limits to molds developed by the
40 department pursuant to subdivisions (a) and (b) of Section ~~26102~~

1 26103, or what constitutes mold infestation according to the
2 department's guidelines as developed pursuant to Section 26105.

3 (2) Standards for mold remediation, if any, adopted by
4 authoritative bodies.

5 (3) The latest scientific evidence or technical information
6 available on effective mold remediation.

7 (4) Professional judgement and practicality.

8 (5) The technological and economic feasibility of compliance
9 with the proposed remediation standards.

10 (b) The department shall report to the Legislature on its
11 progress in developing remediation standards for mold by July 1,
12 2003.

13 26133. (a) (1) The department shall, at the time it
14 commences preparation of remediation standards for mold,
15 electronically post on its Internet website, a notice that informs
16 interested persons that it has initiated work on the remediation
17 standards.

18 (2) The notice shall also include a brief description, or a
19 bibliography, of the technical documents or other information the
20 department has identified to date in the preparation of remediation
21 standards for mold.

22 (3) The notice shall inform persons who wish to submit
23 information concerning mold remediation of the name and the
24 address of the person in the office to whom the information may
25 be sent, the date by which the information must be received in
26 order for the department to consider it in the preparation of
27 remediation standards, and that all information submitted will be
28 made available to any member of the public who makes the
29 request.

30 (b) Each draft remediation standard prepared by the
31 department pursuant to this subdivision shall be made available to
32 the public at least 45 calendar days prior to the date that public
33 comment and discussion on mold remediation are solicited.

34 (c) At the time the department publishes the final remediation
35 standards for mold, the department shall respond in writing to
36 significant comments, data, studies, or other written information
37 submitted by interested persons to the department in connection
38 with the preparation of remediation standards for mold. Any such
39 comments, data, studies, or other written information submitted to

1 the office shall be made available to any member of the public who
2 makes the request.

3 26134. (a) The department shall make available to the public
4 upon request, information about contracting for the removal of
5 mold in a building or surrounding environment, including all of
6 the following:

7 (1) Recommended steps to take when contracting with a
8 company to remove mold.

9 ~~(2) Existing laws and regulations pertaining to mold~~

10 (2) *Existing laws, regulations, and guidelines developed by the*
11 *department, pertaining to mold infestation, identification, and*
12 *remediation.*

13 (3) Basic health information as contained in existing mold
14 publications.

15 (4) A current list of contractors who are certified pursuant to
16 Section 17999.5 to engage in mold remediation work.

17 (b) All mold remediation standards published by the
18 department shall be reviewed at least once every five years and
19 revised, as necessary based upon the availability of new scientific
20 data.

21 (c) (1) The State Department of Health Services shall develop
22 public education materials and resources to inform the public
23 about the health effects of molds, methods to prevent, identify and
24 remediate mold growth, resources to obtain information about
25 molds, and contact information for individuals, organizations, or
26 government entities to assist with public concerns about molds.

27 (2) The department shall distribute its public education
28 materials to public health officers, environmental health officers,
29 commercial and residential landlord organizations, homeowners'
30 organizations, and tenants' organizations. These materials shall be
31 readily available to the general public.

32 (3) These materials shall be comprehensible to the general
33 public.

34 (4) These materials shall be produced to include other
35 languages, in addition to English, to accommodate the diverse
36 multicultural population of California.

37 (5) These materials shall be made available on the department's
38 website.